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Oil refinery draws fire after EPA cites release of benzene in Whiting

By Gitte Laasby

Nineteen members of Congress from Great Lakes states are calling for the U.S. Environmental Protection Agency to investigate whether BP Whiting is complying with its air, water and land pollution permits.

The legislators asked the EPA on Thursday to take "a systemic look" at BP's discharges and emissions.

The move comes after EPA announced Tuesday that BP emitted cancer-causing benzene at the refinery's wastewater treatment plant without proper air pollution control equipment for nearly six years.

BP discovered the emissions when a third party audited BP's treatment plant in 2008 as part of an effort to improve operations. BP self-reported the Jan. 21, 2003, to Sept. 29, 2008, violations in an annual report it is required to submit to the EPA.

"This latest development further underscores the fact that BP cannot be trusted to meet federal clean air and water requirements," said U.S. Rep. Mark Kirk, R-Ill., in a statement accompanying the letter Thursday to EPA Administrator Lisa Jackson.

"It is my hope that the EPA takes swift action to review all of BP's pollution permits to ensure there are no other violations that have gone unnoticed. No one argues against the need to expand production capability at the Whiting facility, but there should be zero tolerance for releasing deadly poisons into our air and water."

Rep. Pete Visclosky, D-Merrillville., did not sign the letter.

"Congressman Visclosky is in the process of scheduling a meeting with BP to discuss progress on the Whiting expansion project," likely next week, said his spokesman, Jacob Ritvo. "He is aware of the recent media reports and intends to raise that issue in the meeting."

Nineteen Democrats and Republicans did sign the letter; 11 from Illinois, five from Michigan, two from Wisconsin and one from New York. Many of them also spoke up in 2007 after the Indiana Department of Environmental Management permitted BP to increase its discharges of ammonia and silty materials containing traces of heavy metals into Lake Michigan.

"As you know, the Great Lakes are the crown jewel of our nation. They provide drinking water, food, jobs and recreation for more than 30 million Americans," the congressmen wrote. "As we begin the federal restoration of the Great Lakes, we should ensure that BP fully complies with the environmental protection laws and permits."

BP spokesman Scott Dean said BP "takes compliance with regulations seriously."

"That's why we reported the possible violations to EPA and took action to eliminate the possible sources of benzene air emissions when we discovered them," he said in a statement. "We are ready for additional EPA review of Whiting's operations and are ready to meet with EPA and members of Congress to address their concerns."

Under the federal Clean Air Act, BP is required to manage and treat benzene waste from its wastewater treatment plant. Not all emissions from the waste were controlled. BP totaled 95 tons of benzene waste in 2008 -- nearly 16 times the 6 tons allowed, the EPA said. BP

estimates actual emissions were closer to 15 tons, or 21 pounds per day.

Benzene is known to cause leukemia in humans. Acute health effects from exposure can include dizziness and lightheadedness; eye-, nose- and throat irritation; upset stomach and vomiting; convulsions and death, according to the EPA. Exposed animals, birds and fish can die.

"As a part of a normal inspection, neither IDEM nor U.S. EPA would sample the waste stream to see if the waste stream contained benzene," IDEM spokesman Rob Elstro said. "Inspectors check the identified waste streams to see if the controls are in place. Through BP's own self-audit, they discovered a waste tank not intended to contain a benzene waste stream was now being used for that purpose."

Dean said BP stopped the benzene emissions by taking the tank out of service. He told the Post-Tribune Tuesday there's no evidence that humans or the environment were harmed as a result of the emissions. He said a \$1.4 billion investment in environmental improvements as part of the refinery expansion will improve equipment at the treatment plant as well.

The congressional representatives aren't the only ones who have spoken up on the issue. On Wednesday, Assistant Senate Majority Leader Dick Durbin, D-Ill., spoke with Jackson, commending EPA "for taking swift action."

The EPA took the first step to enforce against BP when it issued a notice of violation to BP on May 18.